

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Southern District of New York

KATHY CAMACHO; JUSTINE RODRIGUEZ;  
DERICK MASON; NICOLE FLUDD; CYNTHIA  
NEAT, on Behalf of Themselves and All Others  
Similarly Situated

\_\_\_\_\_  
*Plaintiff(s)*

v.

See attached rider

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 19 Civ. 11096

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Paul Smith  
Corrections Officer  
Shield #2018  
George R. Vierno Center  
09-09 Hazen Street  
East Elmhurst, NY 11370

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew D. Brinckerhoff  
Earl Ward  
David B. Berman  
Emery Celli Brinckerhoff & Abady, LLP  
600 Fifth Avenue, 10th Floor  
New York, NY 10020

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 01/02/2020

*/s./D. Howie*  
\_\_\_\_\_  
Signature of Clerk or Deputy Clerk



Civil Action No. 19 Civ. 11096

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KATHY CAMACHO; JUSTINE RODRIGUEZ;  
DERICK MASON; NICOLE FLUDD; CYNTHIA  
NEAT; on Behalf of Themselves and All Others  
Similarly Situated,

Plaintiffs,

-against-

CITY OF NEW YORK; PAUL SMITH, Corrections  
Officer, in his individual capacity; A. REED,  
Corrections Officer, Shield #12988, in her individual  
capacity; SCOTT AMBROSE, Corrections Officer, in  
his individual capacity; CECIL PHILLIPS,  
Corrections Officer, in his individual capacity;  
EPIFANO VASQUEZ, Corrections Officer, in his  
individual capacity; CHRISTINA BREWLEY,  
Corrections Officer, in her individual capacity;  
D. SPRY, Corrections Officer, Shield # 1507, in his  
individual capacity; CO COSICO, Corrections  
Officer, Shield #1123, in his individual capacity;  
CO GOLLUB, in his individual capacity;  
JOHN/JANE DOES 1-30 Corrections Officers, in  
their individual capacities,

Defendants.

-----X

ATTORNEYS FOR PLAINTIFFS:

Matthew D. Brinckerhoff  
Earl Ward  
David B. Berman  
EMERY CELLI BRINCKERHOFF & ABADY, LLP  
600 Fifth Avenue, 10<sup>th</sup> Floor  
New York, NY 10020  
(212) 763-5000

Julia P. Kuan  
ROMANO & KUAN, PLLC  
600 Fifth Avenue, 10<sup>th</sup> Floor  
Brooklyn, NY 11230  
(917) 270-1403

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**RIDER TO SUMMONS**

DEFENDANTS' ADDRESSES AND COUNTIES:

City of New York, 100 Church Street, New York, NY 10007, New York County

PAUL SMITH, Corrections Officer, in his individual capacity, George R. Vierno Center, 09-09 Hazen Street, East Elmhurst, NY 11370, Queens County

A. REED, Corrections Officer, Shield # 12988, in her individual capacity, Securities Operation Division 16-16 Hazen Street, East Elmhurst, NY 11370, Queens County

SCOTT AMBROSE, Corrections Officer, in his individual capacity; Securities Operation Division, 16-16 Hazen Street, East Elmhurst, NY 11370, Queens County

CECIL PHILLIPS, Corrections Officer, in his individual capacity; Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, NY 11370, Queens County

EPIFANO VASQUEZ, Corrections Officer, in his individual capacity; Fusion Center, 16-06 Hazen Street, East Elmhurst, NY 11370, Queens County

CHRISTINA BREWLEY, Corrections Officer, in her individual capacity; Securities Operation Division, 16-16 Hazen Street, East Elmhurst, NY 11370, Queens County

D. SPRY, Corrections Officer, Shield # 1507, in his individual capacity, Securities Operation Division, 16-16 Hazen Street, East Elmhurst, NY 11370, Queens County

CO COSICO, Corrections Officer, Shield # 1123, in his individual capacity, Securities Operation Division, 16-16 Hazen Street, East Elmhurst, NY 11370, Queens County

CO GOLLUB, Corrections Officer, in her individual capacity; Anna M. Kross Center, 18-18 Hazen Street, East Elmhurst, NY 11370, Queens County

JOHN/JANE DOES 1-30 Corrections Officers, in their individual capacities, 100 Church Street, New York, NY 10007, New York County